



HB 66
Homicide Involving Controlled Substances
Highlights

- **Drug related deaths plague our state¹**
 - 253 Alaskans died of a drug overdose in 2021.
 - 196 of those deaths were from opioids.
 - Alaska's overdose death rate increased by 102% from 2017 to 2021.
 - In 2021 the largest increases in overdose deaths were deaths involving fentanyl (150% increase) and methamphetamine (148% increase).
 - Between 2017 and 2021, heroin plus psychostimulants, like methamphetamine, was the most common lethal multidrug combination. This combination was found in 18.6% of drug overdose deaths.
 - Other synthetic narcotics in combination with psychostimulants were the second most common lethal multidrug combination. This combination was found in 18.4% of drug overdose deaths.
 - **Opioids (schedule IA) combined with psychostimulants (schedule IIA) are a common deadly combination.**
- **Reclassifies offense:** to combat the scourge drug related deaths are having on our state, this legislation reclassifies a homicide that occurs when a controlled substance is delivered to a person in violation of misconduct involving a controlled substance in the first through third degrees (AS 11.71.010 – 11.71.030) and the person dies from ingesting the controlled substance from **manslaughter to murder in the second degree**.
 - **A death resulting from a violation of misconduct involving a controlled substance in the fourth degree for a schedule IVA controlled substance would remain as manslaughter.**
- **Increases penalty for delivering a controlled substance to a person who is unaware that a controlled substance is being delivered**

¹ Alaska Department of Health, Division of Public Health, Drug Overdose Mortality Update 2021 (2021), https://health.alaska.gov/dph/VitalStats/Documents/PDFs/DrugOverdoseMortalityUpdate_2021.pdf.

- Makes delivering a controlled substance to a person who is mentally incapable, incapacitated, or unaware that they are being given a controlled substance misconduct involving a controlled substance in the first degree.
 - Those who prey upon people who are in vulnerable states should be subject to a higher penalty than those who are purely distributing drugs.
- **Increases the presumptive penalty** for manufacturing or delivering fentanyl under AS 11.71.021 from 4-7 years to 7-11 years.
- **Increases the penalty for the delivery of methamphetamine** by making it misconduct involving a controlled substance in the second degree (class A felony) and subjecting it to an enhanced penalty of 7-11 years.